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| RESPONSE TO RESTRICTION REQUIREMENT Address to: Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Docket No. | FREE-004 |
| | Confirmation No. | 8524 |
| | Application No. | 10/596,623 |
| | Filing Date | June 6, 2008 |
| | Examiner | Duffy, Patricia Ann |
| | Group Art Unit | 1645 |
| | Title | Antimicrobial Composition |

Sir:

This communication is submitted in response to the Office Action mailed September 22, 2010. The Office Action set forth a one-month time period for response, making a response due on October 22, 2010. *Applicants petition for a one-month extension of time, making this response due on November 22, 2010.* Accordingly, this response is timely filed.

I. REMARKS

The Office Action set forth a Restriction Requirement and an Election of Species requirement.

Restriction Requirement

The Office Action required election of one of the following groups of claims:

Group I: claims 1-11 and 16-19; and

Group II: claims 12-14.

Applicants hereby elect to prosecute the claims of Group I, claims 1-11 and 16-19.

The Office Action stated that claim 1 is anticipated or rendered obvious by the lozenge composition of Example 9 of Reynolds et al. (WO 99/26971; “Reynolds”); and stated that Reynolds teaches non-glycosylated peptides comprising SEQ ID NO:1 having less than about 100 or 70 amino acids for use as antimicrobial compositions for treatment of caries or periodontal disease. The Office Action stated that the composition of Reynolds comprises magnesium stearate; and stated that magnesium is a divalent cation.

Applicants note that, while magnesium stearate is an ionic compound, it is a neutral molecule that is insoluble in water and therefore does not liberate magnesium to form a magnesium divalent cation.